

Exhibit 10 - Martin Tripp Deposition Excerpts

Martin Tripp-Confidential

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

**REPORTER'S CERTIFIED
TRANSCRIPT**

TESLA, INC., a Delaware
corporation,

Plaintiff,

v.

MARTIN TRIPP,

Defendant,

AND RELATED COUNTER-CLAIMS.)

)
)
) Case No.:
)
) 3:18-cv-00296 LRH-CBC
)
)
)

)

CONFIDENTIAL

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VIDEOTAPE DEPOSITION OF MARTIN TRIPP

PHOENIX, ARIZONA

WEDNESDAY, SEPTEMBER 4, 2019

9:01 A.M.

DAVID M. LEE, RMR, CCR
Certified Reporter
Certificate Number 50391
File No.: 19-29468



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10:06 1 Q. BY MR. GATES: All right. I'm going to
10:06 2 give to you what is marked as Deposition Exhibit 2.

10:07 3 And so for some reason beyond my
10:07 4 technical expertise, several of the e-mails and
10:07 5 documents that I had printed out are without the
10:07 6 "CONFIDENTIAL" or Bates stamp, so what I'm going to
10:07 7 do is just designate the unmarked deposition
10:07 8 exhibits as "CONFIDENTIAL."

10:07 9 MR. FISCHBACH: Do you want to write
10:07 10 "CONFIDENTIAL" on there, maybe on the copy for the
10:07 11 court reporter?

10:07 12 MR. GATES: Sure. Number 2. And we can
10:07 13 resolve the issue, if need be, later on.

10:07 14 MR. FISCHBACH: Obviously without -- without
10:07 15 waiving the right to contest it, but just so there's
10:07 16 no ambiguity.

10:07 17 MR. GATES: Okay.

10:07 18 Q. Okay. So this e-mail, you recognize this
10:07 19 as a response from Linette Lopez on May 27th, sent
10:07 20 to you at 7:10 a.m., replying to your e-mail
10:08 21 offering to provide information to these news
10:08 22 outlets; right?

10:08 23 A. Correct.

10:08 24 Q. Did you know about Linette Lopez prior to
10:08 25 the e-mail from her?

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10:08 1 MR. FISCHBACH: Object to the form of the
10:08 2 question.

10:08 3 THE WITNESS: Answer?

10:08 4 MR. FISCHBACH: Go ahead and answer, yeah.

10:08 5 THE WITNESS: I didn't know about her. I
10:08 6 possibly have read some articles by her, but I --
10:08 7 the name was not familiar.

10:08 8 Q. BY MR. GATES: Okay. You learned at some
10:08 9 point that she had a grudge against Elon Musk;
10:08 10 right?

10:08 11 MR. FISCHBACH: Object to the form of the
10:08 12 question.

10:08 13 Answer if you can.

10:08 14 THE WITNESS: I don't know if it was a
10:08 15 grudge; she definitely contested things that he
10:08 16 said and did.

10:08 17 Q. BY MR. GATES: Well, you described it as a
10:08 18 grudge; right?

10:08 19 A. At some point I probably did.

10:08 20 Q. You described it as also "She definitely
10:08 21 had it out for Elon."

10:08 22 A. I would definitely agree with that.

10:09 23 Q. Okay. So you're not sure whether you knew
10:09 24 that at the point when you got this response from
10:09 25 Linette Lopez on May 27th?

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14:48	1	Q. And you copied Chris Guenther. Who is that?
14:48	2	A. Chris Guenther was the gentleman that
14:48	3	originally hired me, and to my knowledge at the
14:48	4	time that this occurred, he was still in the same
14:48	5	role, which is something to the effect of the
14:48	6	senior engineer for all of Gigafactory.
14:48	7	Q. Okay. And JB Straubel?
14:48	8	A. He is, I believe at the time, Chief
14:48	9	Technology Officer.
14:48	10	Q. For Tesla.
14:48	11	A. For Tesla. I can't remember if he was in a
14:48	12	different role prior to --
14:48	13	Q. So you thought it wasn't -- I'm sorry. I
14:49	14	didn't mean to talk over you. Go ahead.
14:49	15	A. That -- that was it.
14:49	16	Q. So you thought it was important to make sure
14:49	17	that the Chief Technology Officer for all of Tesla
14:49	18	was aware of your disagreement with this process
14:49	19	technician, Mr. Persyn?
14:49	20	A. Yes, I believe so.
14:49	21	Q. You tell Ms. Woolford you were -- you felt
14:49	22	like you were being discriminated against.
14:49	23	A. Yes, I did.
14:49	24	Q. Why did you feel you were discriminated
14:49	25	against?

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14:49 1 A. During a one-on-one with myself, Imari
14:49 2 Henderson, and Michael Bowling just prior to this,
14:49 3 I was told that I was no longer a lead and there
14:49 4 was no such thing as a lead, yet I had to interact
14:49 5 with my counterparts in the other departments that
14:49 6 were considered leads, and I still had to perform
14:49 7 the same duties. But at that point I was looked
14:49 8 down upon, and I felt I was being discriminated
14:49 9 against because I was being treated differently than
14:50 10 my peers, but I still had the same expectations of
14:50 11 me to do the same duties as I was doing. And even
14:50 12 they were looking down upon me, kind of making jokes
14:50 13 about it.

14:50 14 Q. You had the same pay; right?

14:50 15 A. I don't know if it was the same pay or not.

14:50 16 Q. Well, your pay didn't change; right?

14:50 17 A. That is correct.

14:50 18 Q. And you say you were being discriminated
14:50 19 against by whom?

14:50 20 A. By Michael Bowling, Imari Henderson, the
14:50 21 process engineering technician supervisors for the
14:50 22 Stator line, many of the process engineering
14:50 23 technicians, my counterparts in the final assembly,
14:50 24 rotor, and inverter areas.

14:50 25 I don't know if I said Michael Bowling.

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14:50	1	Q. You did.
14:50	2	A. Yeah.
14:50	3	Q. You said also that the supervisor, one of
14:50	4	those two people you had identified before, was
14:51	5	making comments to the day shift asking if they
14:51	6	had -- if you had been "offending or harassing
14:51	7	them." Do you see that?
14:51	8	A. Yes, number 3.
14:51	9	Q. Yes.
14:51	10	What were the remarks that you were
14:51	11	referring to?
14:51	12	A. I was told by several process techs that the
14:51	13	supervisor was asking them -- I believe just that,
14:51	14	if I was offending or harassing them.
14:51	15	Q. And you thought that this supervisor was
14:51	16	showing favoritism to Mr. Persyn?
14:51	17	A. He was, yes.
14:51	18	Q. Okay.
14:51	19	So you wanted to bring this to the
14:51	20	attention of the head of HR at the Gigafactory.
14:51	21	A. Yes.
14:51	22	(Deposition Exhibit Number 67 was marked
14:51	23	for identification.)
14:51	24	Q. BY MR. GATES: Let me give you what's been
14:52	25	marked as Exhibit 67.

1 I CERTIFY that the foregoing deposition
2 was taken by me pursuant to Notice; that I was then
3 and there a Certified Reporter for the State of
4 Arizona, and by virtue thereof authorized to
5 administer an oath; that the witness before
6 testifying was duly sworn by me to testify to the
7 truth; that the questions propounded by counsel and
8 the answers of the witness thereto were taken down
9 by me in shorthand and thereafter transcribed under
10 my direction, and that the foregoing typewritten
11 pages contain a full, true, and accurate transcript
12 of all proceedings had upon the taking of said
13 deposition, all done to the best of my skill and
14 ability; that deposition review and signature was
15 requested.

16 I FURTHER CERTIFY that I am in no way
17 related to nor employed by any of the parties
18 hereto, nor am I in any way interested in the
19 outcome hereof.

20 DATED at Phoenix, Arizona, this 16th
21 day of September, 2019.

22 

23 _____
24 David M. Lee, RMR, CRR
25 Arizona Certificate No. 50391